

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Maggie Thomson, Juan Duarte,

Plaintiffs

v.

Caesars Holdings Inc., et al.,

Defendants

Case No. 2:21-cv-00961-CDS-BNW

**Order Adopting Magistrate Judge's
Report and Recommendation**

[ECF No. 163]

In this Employee Retirement Income Security Act (“E.R.I.S.A.”) suit, plaintiffs Maggie Thomson and Juan Duarte, as representatives of a prospective class of Caesars affiliates and on behalf of the Caesars Entertainment Corporation Savings & Retirement Plan (“the Plan”), sue defendants Caesars Holdings Inc., the Plan Investment Committee, the 401(k) Plan Committee, and Russell Investments Trust Company for alleged breaches of fiduciary duty that cost the Plan participants more than \$100 million in potential investment earnings to date.

Plaintiffs sought leave to file a fourth amended complaint to add plaintiffs and to amend their previously dismissed co-fiduciary claim. ECF No. 131. Magistrate Judge Breanda Weksler issued an order granting plaintiffs’ request to add Rick Ruberton and Linda Ruberton as plaintiffs. Order, ECF No. 169 at 4. Judge Weksler also issued a report and recommendation (R&R) that plaintiffs’ request to amend their co-fiduciary claim be denied. *Id.* Judge Weksler issued that recommendation because plaintiffs’ co-fiduciary claim was dismissed with prejudice. Order, ECF No. 109 at 19–20. Plaintiffs had until June 26, 2024, to file any objections to the R&R. LR IB 3-2(a) (stating that parties wishing to object to an R&R must file objections within fourteen days); *see also* 28 U.S.C. § 636(b)(1)(C). As of the date of this order, plaintiffs have neither objected to the R&R nor requested more time to do so. And “no review is required of a magistrate judge’s report and recommendation unless objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d

1 1219, 1226 (D. Ariz. 2003); *see also* *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*,
2 328 F.3d 1114, 1121 (9th Cir. 2003). Thus, I adopt the R&R in full.

3 **Conclusion**

4 IT IS THEREFORE ORDERED that Magistrate Judge Weksler's report and
5 recommendation [ECF No. 163] is ADOPTED in its entirety. Plaintiffs' motion to file a fourth
6 amended complaint (ECF No. 131) is granted in part and denying it in part, as outlined in Judge
7 Weksler's order (ECF No. 163).

8 Dated: July 2, 2024

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11 Cristina D. Silva
12 United States District Judge
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